

Tort Reform and Victim Rights

MADD stands firmly for the rights of victims of alcohol and other drug impaired driving crimes, in particular the right to be compensated fairly for harm suffered at the hands of impaired drivers. The dictionary defines a "tort" as a "civil wrong, not including a breach of contract, for which the injured party is entitled to compensation."

At the present time, a great deal of controversy is being focused on efforts to modify tort and liability laws on the state and federal level. While the complexity and variety of laws in this area make it difficult to adopt a single position which will address all issues surrounding tort reform, MADD recognizes that there is a need to promote and sustain the rights to victims of impaired driving crashes to be fully compensated for harm resulting from these crashes. Such compensation includes financial recovery through state administered Victim Compensation Programs and civil tort actions in state or federal court. In light of this stand, a number of principles can be pronounced which bear on these issues.

As an advocate for victims of impaired driving crashes, MADD needs to protect and support victims and guard against passage of laws which would diminish or restrict the rights of these victims to be compensated. However, the MADD National Organization, MADD State Organizations, and local MADD Chapters should not align themselves with other groups organized to support or oppose tort reform measures. Neither should MADD's name be used in public service announcements, commercials or other endorsements developed by other groups or coalitions.

MADD should speak up independently on behalf of the victims and their rights and needs. MADD can also speak out on the impact a proposed law would have on victims' rights to recover compensation. Fair financial compensation for victims of impaired driving crashes is appropriate and necessary and MADD will firmly support measures which protect this right.

In this regard, MADD makes the following statements concerning specific tort reform issues which are paramount to victims' rights to recover:

- . MADD opposes any measures which will restrict or in any way limit the rights of victims of impaired driving crashes to seek and recover punitive damages in any cause of action arising out of impaired driving crashes.
- . MADD opposes any measures, such as joint and several liability revisions, which would prohibit the victim of an impaired driving crash from seeking full recovery of damages awarded from each defendant in cases where the evidence supports a finding that the conduct of each defendant, independent of the other defendant or defendants, was or could have been the proximate cause of death or injury.
- . **MADD opposes any measures that would limit the amount of damages that a victim of an impaired driving crash could recover in cases resulting in death or injury.**

. MADD opposes any measures to modify laws which could limit the rights of victims of impaired driving crashes to seek recovery in any dram shop or other third-party liability action which may be brought against the seller or provider of any alcoholic beverage.

. MADD opposes any measures which would modify the "collateral source rule" so as to provide for a reduction in the amount of damages awarded to the victim of an impaired driving crash based on benefits which may be available to the victim through policies of insurance purchased by the victim or provided on his behalf by a third party.

. MADD takes no position on the following issues:

 "no-fault insurance" laws

 the "English Rule" or loser pays provisions relating to the award of attorneys fees in civil cases

 limitations on medical benefits available under policies of insurance where the insured has the option of selecting the amount of coverage at the time of purchase of the policy.

These positions on tort reform measures are not intended to be all inclusive. MADD will continue to evaluate tort reform issues as they arise in light of the rights of victims of impaired driving crashes to be fairly and fully compensated for death or injury caused by impaired drivers.